



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/805,777 Confirmation No.: 9934
Applicant(s) : Lee H. Angros
Filed : 03/22/2004
TC/AU : 1743
Examiner : Lyle Alexander
**Title : ANALYTIC PLATE WITH CONTAINMENT BORDER
AND METHOD**
Docket No. : 233.032
Customer No. : 30589

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF PAUL GARDNER, JR., UNDER 37 C.F.R. § 1.132

1. I have been president of Paul N. Gardner, Co., Inc. (GARDCO) since 1995. GARDCO distributes, produces, and designs physical testing and inspection instruments for the paint, coatings and related industries, including the automotive, aerospace, specialty chemical, petroleum, plastics, pharmaceutical and food industries among others.

2. Among the products sold by GARDCO are Bird type film applicators.

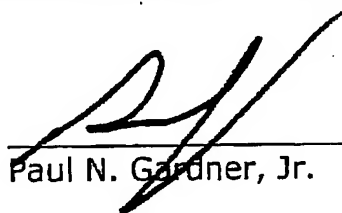
3. I have reviewed the official action mailed April 21, 2006 for the above-referenced patent application and in particular have reviewed the Yanus et al. and Badesha et al. references cited in the rejections therein. Both Yanus et al. and Badesha et al. are apparently cited in the rejections

because of the Bird-type applicators which are utilized therein.

4. Bird film applicators were developed by Bird & Sons of East Walpole, MA as a laboratory instrument for the purpose of drawing down coatings in a consistent manner on a flat substrate such as charts mounted on glass. They are precision instruments made of rigid metal, typically tool steel, machined with a designated gap along the longitudinal axis of its bottom side. These applicators have always been made of rigid metal for the reason that all precision would be lost were the material to flex in any way.

5. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

11/21/07
Date



Paul N. Gardner, Jr.